

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WAYNE DESHOWN PERKINS,

Plaintiff,

v.

NAY AUNG, *et al.*,

Defendants.

Case No. 2:20-cv-02169-JDP (PC)

FINDINGS AND RECOMMENDATIONS  
THAT THIS ACTION BE DISMISSED FOR  
FAILURE TO PROSECUTE, FAILURE TO  
COMPLY WITH COURT ORDERS, AND  
FAILURE TO STATE A CLAIM

OBJECTIONS DUE WITHIN FOURTEEN  
DAYS

On February 24, 2021, I screened plaintiff's complaint pursuant to 28 U.S.C. § 1915A. ECF No. 11. I notified plaintiff that it failed state a claim and granted him sixty days to file an amended complaint. *Id.* Plaintiff subsequently requested, and I granted, two extensions of time to file an amended complaint. ECF Nos. 12, 13, 14, & 15. Despite those extensions, plaintiff failed to timely file an amended complaint. Accordingly, on November 2, 2021, I ordered him to show cause within twenty-one days why this action should not be dismissed for failure to prosecute and failure to state a claim. ECF No. 16. I notified him that if he wished to continue with this lawsuit, he must file an amended complaint. I also warned him that failure to comply with the November 2 order would result in a recommendation that this action be dismissed. *Id.*

1 The deadline has passed, and plaintiff has not filed an amended complaint nor otherwise  
2 responded to the November 2, 2021, order. Accordingly, it is hereby ORDERED that the Clerk  
3 of Court randomly assign a United States District Judge to this case.

4 Further, RECOMMENDED that:

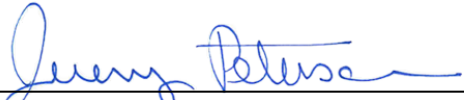
5 1. This action be dismissed for failure to prosecute, failure to comply with court orders,  
6 and failure to state a claim for the reasons set forth in the February 24, 2021 order. *See* ECF No.  
7 10.

8 2. The Clerk of Court be directed to close the case.

9 I submit these findings and recommendations to the district judge under 28 U.S.C.  
10 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,  
11 Eastern District of California. The parties may, within 14 days of the service of the findings and  
12 recommendations, file written objections to the findings and recommendations with the court.  
13 Such objections should be captioned “Objections to Magistrate Judge’s Findings and  
14 Recommendations.” The district judge will review the findings and recommendations under 28  
15 U.S.C. § 636(b)(1)(C).

16  
17 IT IS SO ORDERED.

18 Dated: April 13, 2022

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20 JEREMY D. PETERSON  
21 UNITED STATES MAGISTRATE JUDGE  
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